

ORIGINAL

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRIE DREW,	:	CIVIL ACTION
	:	NO. <u>07-07-813-</u>
Plaintiff,	:	JURY TRIAL DEMANDED
	:	
v.	:	
	:	
CORPORATION SERVICE CO., INC.,	:	
a Delaware corporation,	:	
	:	
Defendant.	:	
	:	

COMPLAINT

Plaintiff, Brie Drew (hereinafter referred to as "Plaintiff" unless indicated otherwise) hereby complains as follows against Corporation Service Co., Inc., (hereinafter referred to as "Defendant" unless otherwise indicated), and avers as follows:

CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE

2007 DEC 11 PM 4:14

INTRODUCTION

1. Plaintiff initiates the instant action to redress Defendant's unlawful employment practices and racial discrimination, in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981.

JURISDICTION AND VENUE

2. This Court, in accordance with 28 U.S.C. § 1331, has jurisdiction over Plaintiff's claims, because this civil action arises under a law of the United States.

3. This Court may properly maintain personal jurisdiction over Defendant because Defendant's contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945), and its progeny.

4. Pursuant to 28 U.S.C. § § 1331(b)(1) and (b)(2), venue is properly laid in this district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district and Defendant is deemed to reside where it is subject to personal jurisdiction, rendering Defendant a resident of the District of Delaware.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

5. Plaintiff has exhausted the procedural and administrative requirements for proceeding under Title VII of the Civil Rights Act of 1964, as amended. In particular:

- (a) Plaintiff filed timely written charges of discrimination with the Equal Employment Opportunity Commission (hereinafter referred to as "EEOC");
- (b) On or about September 19, 2007, the EEOC issued a notice that it was dismissing Plaintiff's EEOC charge(s) and issued a Right-To-Sue letter; and
- (c) Plaintiff has filed the instant action within ninety (90) days of receiving the aforesaid Right-To-Sue letter and notice of dismissal.

PARTIES

6. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

7. Plaintiff is an African-American female who resides at 10 Cedarwood Place, Logan Township, NJ 08085.

8. Upon information and belief, Defendant is a Delaware Corporation with a principal place of business in the State of Delaware and/or intentionally engages in

substantial business within the State of Delaware, at 2711 Centerville Road, Suite 400, Wilmington, DE 19808. Defendant is its own registered agent for service of process with the registered address of 2711 Centerville Road, Suite 400, Wilmington, DE 19808.

9. At all relevant times, upon information and belief, Defendant is engaged in the business of providing business services.

10. At all times relevant herein, Defendant's employees, managers, agents, and servants acted at the behest of Defendant and/or for the benefit of Defendant during the course and scope of their employment.

FACTUAL BACKGROUND

11. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

12. Plaintiff was hired by Defendant on or about August 30, 2006.

13. Plaintiff was terminated by Defendant on or about February 22, 2007.

14. During the course of her employment Plaintiff was repeatedly singled out for negative treatment and/or discipline due to her race.

15. During the course of Plaintiff's employment, she made repeated claims of discrimination to her supervisors, most notably, one Leona Dorsey.

16. Defendant's proffered reason for Plaintiff's termination was that Plaintiff was discharged for engaging in disruptive behavior in the workplace.

17. Upon information and belief, Plaintiff was terminated because of her race which is African-American and because she engaged in protected activity by complaining about racial discrimination.

Count I

Violation of Title VII of the Civil Rights Act of 1964
(Disparate Treatment/ Discriminatory Termination/ Hostile Work Environment)

18. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

19. Upon information and belief, Defendant singled out Plaintiff for termination because of her race and subjected her to harsher discipline/treatment than similarly situated non-African American employees, which created a hostile work environment.

20. Upon information and belief, Defendant terminated Plaintiff in substantial part because of her race.

Count II

Violation of Title VII of the Civil Rights Act of 1964
(Retaliation)

21. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

22. Upon information and belief, Defendant terminated Plaintiff in substantial part because of her complaints of racial discrimination.

Count III

Violation of 42 U.S.C. § 1981
(Disparate Treatment/ Hostile Work Environment)

23. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

24. The foregoing actions by Defendant also constitute violations of 42 U.S.C. § 1981.

WHEREFORE, Plaintiff prays that this Court enter a judgment in her favor and against Defendant containing the following relief:

- (A) Defendant is to be prohibited from continuing to maintain its illegal policy, practice or custom of racial discrimination and retaliation against employees, discriminating against employees or prospective employees based on their race and is to be ordered to promulgate an effective policy against such discrimination and to adhere thereto;
- (B) Defendant is to compensate Plaintiff, reimburse Plaintiff and make Plaintiff whole for any and all pay and benefits she would have received had it not been for Defendant's illegal actions, including but not limited to past lost earnings, future lost earnings, salary, pay increases, bonuses, medical and other benefits, training, promotions, pension, and seniority from the date she first suffered discrimination/retaliation at the hands of Defendant until the date of verdict;
- (C) Plaintiff is to be awarded actual damages, as well as damages for the pain, suffering and humiliation caused to her by Defendant's actions;
- (D) Plaintiff is to be awarded punitive damages, as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendant for its willful, deliberate, malicious and outrageous conduct and to deter Defendant or other employers from engaging in such misconduct in the future;
- (E) Plaintiff is to be accorded any and all other equitable and legal relief as the Court deems just, proper and appropriate;
- (F) Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;

(G) Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal law;

(H) Plaintiff's claims are to receive a trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

LAW OFFICE OF JOHN M. LAROSA



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Admission to be Moved Pro Hac Vice

Dated: December 11, 2007

Attorneys for Plaintiff

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
 BRIE DREW

(b) County of Residence of First Listed Plaintiff GLOUCESTER COUNTY, NJ
 (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS
 CORPORATION SERVICE CO., INC.

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
See Attachment to Civil Cover Sheet.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	X 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 Statute Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury—Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 892 Economic Stabilization Act
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 893 Environmental Matters
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 894 Energy Allocation Act
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
				<input type="checkbox"/> 950 Constitutionality of State Statutes
				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 220 Foreclosure	X 442 Employment	Habeas Corpus:	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General		
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 540 Mandamus & Other		
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause.
 Do not cite jurisdictional statutes unless diversity.)

Plaintiff initiates the instant action to redress Defendant's unlawful employment practices and racial discrimination, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e and 42 U.S.C. § 1981.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 12/11/2007 SIGNATURE OF ATTORNEY OF RECORD John M. LaRosa

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFFP _____ JUDGE _____ MAG. JUDGE _____

ATTACHMENT TO CIVIL COVER SHEET

L(c) Attorney's (Firm Name, Address, and Telephone Number)

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Admission to be Moved Pro Hac Vice

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

07-813

Civil Action No.

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 2 COPIES OF AO FORM 85.

12/11/2007

(Date forms issued)

John M. LaRosa

(Signature of Party or their Representative)

John M. LaRosa

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action